

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Ismael CANEDO-Hernandez,

Defendant

Magistrate Docket No.

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

FILED
08 APR 1 AM 10:57

08 MJ 09 87
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **March 30, 2008** within the Southern District of California, defendant, **Ismael CANEDO-Hernandez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT

Ismael A. Canto
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **1st** DAY OF **APRIL 2008**


Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Ismael CANEDO-Hernandez****PROBABLE CAUSE STATEMENT**

I declare under the penalty of perjury that the following statement is true and correct:


On March 30, 2008, Border Patrol Agent R. Miller was performing line watch duties in the Imperial Beach area of operations. At approximately 1:20 A.M., Imperial Beach Dispatch radioed via service radio of two sensor activations in "Smugglers Canyon". Smugglers Canyon is approximately four miles west of the San Ysidro, California, Port of Entry and is approximately one-half mile north of the United States/Mexico International Boundary Fence. The Smugglers Canyon is an area notoriously used by illegal aliens to further their illegal entry into the United States.

Agent Miller responded to the Smugglers Canyon and encountered four individuals. Agent Miller immediately identified himself as a United States Border Patrol Agent and questioned the individuals, including one later identified as the defendant **Ismael CANEDO-Hernandez**, as to their citizenship and nationality. All individuals, including the defendant, freely admitted that they were citizens and nationals of Mexico illegally present in the United States and they possessed no immigration documentation permitting them to enter or remain in the United States legally. At approximately 1:25 A.M., Agent Miller arrested the individuals and subsequently had them transported to the Imperial Beach Border Patrol Station for processing.


Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on November 6, 1990 through San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was read his Miranda rights, which he acknowledged and was willing to make a statement without an attorney present. The defendant stated that he was a citizen and national of Mexico without valid immigration documents to enter or remain within the United States legally.

Executed on March 31, 2008 at 9:00 A.M.


Terri L. Dimolios
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **March 30, 2008** in violation of Title 8, United States Code, Section 1326.


Anthony J. Battaglia
United States Magistrate Judge

3/31/08 10 38 m
Date/Time